

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-747 AHM (CWx)	Date	February 12, 2010
Title	SHAGEN GALSTANYAN, <i>et al.</i> v. WILSHIRE STATE BANK, <i>et al.</i>		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE		
Stephen Montes	Not Reported		
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:		

Proceedings: IN CHAMBERS (No Proceedings Held)

On February 2, 2010, Plaintiffs filed this action against Defendants “Wilshire State Bank” and “Glendale Colorado Investment Inc.” The Court *sua sponte* dismisses the Complaint, but with leave to amend, for the following reasons:

(1) The Complaint does not present a federal question, nor do Plaintiffs allege diversity jurisdiction. “Federal courts are presumptively without jurisdiction over civil actions and the burden of establishing the contrary rests upon the party asserting jurisdiction.” William W. Schwarzer, *et al.*, Cal. Practice Guide: Fed. Civ. Pro. Before Trial (The Rutter Group 2009) ¶ 2.2. *See also Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826 (2002) (requiring that a federal question be clear from the face of a well-pleaded complaint); *Citizens Comm. to Save Land Grant R.Rs. v. Burlington N., Inc.*, 708 F.2d 1430, 1435 (9th Cir. 1983) (district court properly declined to exercise diversity jurisdiction over action where the plaintiff failed to allege citizenship or amount in controversy).

(2) The Complaint falls well short of the basic pleading requirements of Fed. R. Civ. P. 8(a), which requires “a short and plain statement of the grounds for the court’s jurisdiction,” “a short and plain statement of the claim showing that the pleader is entitled to relief,” and “a demand for the relief sought.” None of these is present in the Complaint.

(3) The Complaint is incoherent and makes no comprehensible claim for relief under state or federal law. “[F]ederal courts are without power to entertain claims otherwise within their jurisdiction if they are . . . obviously frivolous.” *Hagins v. Lavine*, 415 U.S. 528, 537-37 (1974) (internal quotations omitted). A complaint is frivolous if it

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lacks any arguable basis in either fact or law. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Here Plaintiffs' disjointed and incoherent allegations do not (as far as the Court can tell) have any basis in fact or law. It is unclear what relief which Plaintiffs are seeking from which Defendants.

The Court therefore DISMISSES the Complaint with leave to amend. Any amended complaint must be filed by not later than March 1, 2010. Failure to do so will be construed as consent to dismissal of the action in its entirety.

This Order is not intended for publication or for inclusion in the databases of Westlaw or LEXIS.

Initials of Preparer

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SMO
